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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/750,002

12/30/2003

Hans-Christoph Rohland

2058.331US1

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7590

06/03/2010

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EXAMINER

ALI, FARHAD

ART UNIT

PAPER NUMBER

2446

NOTIFICATION DATE

DELIVERY MODE

06/03/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

uspto@slwip.com

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<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	Application No. 10/750,002	Applicant(s) ROHLAND ET AL.	
	Examiner FARHAD ALI	Art Unit 2446	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 10 May 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: 1-9, 11-21, 23-25 and 27-31.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
 13. ☐ Other: _____.

/Benjamin R Bruckart/
Primary Examiner, Art Unit 2446

Continuation of 11. does NOT place the application in condition for allowance because: The applicant has argued that Kumar neither discloses that the new instance is to "initiate" the informing nor that the informing includes "registering or reregistering instance-specific information" with the one component (e.g., a message server) in the network of computers. Furthermore, Kumar does not disclose that the new instance is to initiate the informing "upon starting or restarting" of the one component. Therefore, Kumar does not disclose "on or more of the plurality of application servers to initiate a registering or reregistering of instance-specific information with the message server," as recited in independent claim 1.

The examiner respectfully disagrees and asserts that Kumar teaches at least: one or more of the plurality of instances to initiate registering of instance-specific information with the message sever upon starting of the message server, the instance-specific information including a confirmation of a connection between the one or more of the plurality of instances and the message server.

In regards to one or more of the plurality of instances to initiate registering or re-registering of instance-specific information with the message sever, Kumar et al. teaches in column 3 lines 35-48, "Moreover, connectivity between the new instance and the group of instances is also set up (automatically in this embodiment) as illustrated by act 20, and the instance is started as illustrated by act 30 (again automatically in this embodiment)" and "Although acts 10, 20 and 30 are illustrated in FIG. 2 in a specific sequence, this is just one embodiment, and in other embodiments other sequences may be used. In another embodiment, the order of acts 10 and 20 can be reversed, e.g. the connectivity may be set up prior to creation of the objects needed by the new instance. Moreover act 30 may be performed first and the new instance can trigger the execution of (and wait on) acts 10 and 20, or alternatively the new instance may itself perform acts 10 and 20".

In regards to upon starting or restarting of the message server Kumar teaches in column 7 lines 37-45, "In one embodiment, shared map 62 is used only for discovery purposes. Specifically, a tool that is used to start up a new instance uses shared map 62. Shared map 62 may also be used to provide a status check and/or for monitoring of the instances. Instances themselves do not use shared map 62 in this embodiment, and instead the instances (e.g. when they start up) register in a group (for the application) of a cluster group service (which is software of a cluster layer) to discover each other". For example see Figure 8 of Kumar where there are options for configuring the database cluster wherein there is a "create a database" option. Figures 9 of Kumar shows adding an instance to a cluster, Figure 10 shows selecting an active cluster to perform the operation, and Figures 11-12 show adding an instance to the specified cluster. The examiner asserts that in the case of the creation of the cluster where it is placed into active mode is analogous to the component starting up, wherein the teachings of Kumar can be applied.

In regards to the instance-specific information including a confirmation of a connection between the one or more of the plurality of instances and the message server, Kumar teaches in column 6 lines 3-9, "Next, in act 53, the starter computer automatically checks that the network has connectivity to the newbie computer, e.g. confirms that one or more processes that implement connectivity of the newbie computer to other processes in other computers of the network are up and running, and are responsive to messages being sent to the newbie computer from the network".